SPEECH

OF

Mr J. CHARLTON, M.P.,

ON

JESUITS' ESTATES ACT,

DELIVERED IN THE

HOUSE OF COMMONS,

OTTAWA,

ON THURSDAY, MARCH 28th, 1889.

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Mr. CHARLTON. I feel called upon, before recording the vote I shall give upon the motion now in your hands, to explain the reasons that will actuate me in voting for that motion. I feel that, in doing this, I am separating myself from the majority of my friends in this House, that I am acting with a minority, and probably with a very small minority, of its members; and, were I to look at this question purely from the standpoint of its value in votes, I should no doubt feel perfectly content to give a silent vote, and a vote with the majority. My convictions, however, forbid my voting in this way. I realise that the position I take is an unpopular one in this House. I realise, also, that the position I take will quite possibly send me to private life after the expiration of this Parliament but I feel bound from conviction of duty to take the course I propose to take in reference to this matter. Many of the gentlemen who have addressed the House upon this question have professed to be able to do so entirely independent of all feeling of a religious character. They have professed to be able to divest themselves of all prejudices or bias resulting rom their religious belief. I do not know that I will claim

to be able to do this. I presume that I am swayed and influenced in the course I take in this matter by my education, by my religious belief, and I approach the consideration of this question, I am free to admit, from the standpoint and influenced by the belief of a Protestant; and, although I shall endeavor to be, and I believe I shall succeed in being, impartial in this matter, I do not, I repeat, believe I shall be able to divest myself entirely of all influences that religious training and religious belief may be calculated to exert in reference to it. I feel that this is a question of very great importance, and one of far-reaching consequence, and I feel that it is a question upon which men should act from conviction, upon which men should act in the way they believe they are required to act in the best interests of their country and for the purpose of securing the best results as to the future welfare and the future well-being of that country. This question has been discussed from a legal standpoint fully and ably. The views of those who are opposed to the action of the Government in this matter, the views of those who will support the motion of my hon. friend from Muskoka (Mr. O'Brien), were most ably presented to the House and to the country by the hon. member for North Simcoe (Mr. McCarthy). The defence of the Government was made in a brilliant and able effort by the Minister of Justice, and the effort of the Minister of Justice was ably seconded by the scholarly and profound argument of the hon. member for Bothwell (Mr. Mills). I shall not attempt to traverse the ground traversed by these gentlemen. My education perhaps does not fit me for an exhaustive disquisition upon the character of this measure from a legal standpoint, and I shall endeavor to present the case from a layman's standpoint, and to present the reasons which influence me in the course which I shall take upon this great question.

There is one feature of this case that has not yet been dwelt upon, at least, to any considerable extent—I refer to the peculiar ethnologic conditions of this Dominion. When the younger Pitt, in 1791, erected the two Provinces in Canada, granting to one Province the use of the French language, French laws, French customs and institutions, giving to the other Province the English language, English laws, and English institutions, avowedly for the purpose of creating two rival, jealous, and, in a sense, hostile Provinces, that the catastrophe that had occurred a few years before, when the thirteen colonies revolted from the British Crown, might not recur again; when, I say, that he erected

these two Provinces upon these divergent lines for this avowed purpose, he certainly succeeded most admirably in creating two Provinces with mutual contrasts in language and in the essential characteristics of nationality. These Provinces are not only diverse in race and in language, but also in religion, and the dominant church in the Province of Quebec is a political factor of the very highest importance in this Dominion. It naturally exercises its power and its great influence for the purpose of forwarding its own interests and designs. It does this, Sir, with sleepless vigilance, it does it with consummate ability, and it has been enabled to exercise a most powerful influence upon the destinies and upon the politics of the Dominion of Canada. Now, Sir, as I say, this power is exerted for the furtherance of its purposes, as is most natural. I do not complain of this, I do not say that it is to be expected that any other course would be taken by the French Catholic Church of Canada, I would not say that it was in the interest of Canada, but it is not unnatural that the church should do this. The Minister of Justice last night, in the course of his speech on this question, in defending Mr. Mercier in the course he has taken in regard to the Jesuit estates, alluded to one fact which exemplifies, in the most vivid light imaginable, the great influence and power of that church in the Province of Quebec. He told us that the Jesuit estates, held by the Government of Quebec to be Government property, held by them to be a property in which the Jesuits' fraternity had no legal right, to which they had no legal claim, notwithstanding the position of the Government in regard to these estates, the Government was unable to sell this property, that it had been offered for sale and no purchasers could be procured. Why, Sir? Because the power of this church was so great that men did not dare, or would not, as they were deterred by the influence of the church, purchase this property; the power of this church was so great that estates held by the Government to be the property of the Crown, to be a property to which the church and the Jesuit fraternity had no legal claims, could not be sold in consequence of the opposition of the church to their sale. Well, nothing could exemplify more vividly the great influence of this society than this fact referred to by the Minister of Justice.

Sir, I referred, a moment ago, to the peculiar ethnologic conditions of this Dominion. Now, no man, I presume, in this House or in this country, would for a moment assert that it was not in the interest of the country that homogeneity, that assimilation, should be promoted. But the

question is, how can this result be obtained? How can the diverse races of this Dominion be made homogeneous, how can they be made to assimilate? It is desirable that such should be done. Every man who wishes to see the Dominion of Canada become a great nation, must desire to see the races occupying this country acting in concert, acting in harmony, and to a much greater extent than at present made homogeneous. I hold, Mr. Speaker, that any measure that will retard the realisation of this desire for the assimilation of these races, that any measure that will, on the contrary, have a tendency to set them wider asunder, that will have a tendency to create and foster animosities and the jealousies that are natural to the existence of two such races, is a measure that should be deprecated, is a measure that should be opposed by every lover of his country in this Dominion. Now, events as they are developed have hitherto had a tendency, in some respects, to put these two races wider apart, and this very tendency, in face of the desire of those who wish to see a homogeneous people and a great nation, this very tendency to drive these two races apart, awakens alarm in the breasts of tens of thousands of people in this country; and the desire to avert this tendency, the desire to bring the races nearer together, to secure greater harmony and action between them, is a patriotic desire, by whomsoever it may be entertained.

Mr. MILLS (Bothwell). As in Ireland.

Mr. CHARLTON. Not as in Ireland, but as in Canada, with the hopes of the future before us, with the desire to create a great nation, with a desire to have a nation, not inhabited by two races pulling in different directions, jealous of each other, and seeking, the one to crowd the other out of the race, not as in Ireland, but as we hope to see it in Canada, with every influence set aside that would work against the realisation of this dream. Now, Sir, there are in the agitation that exists to day, great forces beneath the surface; there are undercurrents that we do not see, the power of which, perhaps, we do not realise; there is an undercurrent that is proceeding from this very desire that this should be a homogeneous people, a desire to lift this nation up to a higher plane with a common purpose, to create a great free state. The question that agitates the mind of the people, that creates the interest in this matter which we are discussing here to-day, is, shall the Dominion of Canada be Saxon or shall it be Celtic? Or shall it be both Saxon and Celtic for all time to come? Shall the two races

live together in harmony, or shall they live apart? Shall this be one country, or shall there be a disruption? The question is one of great magnitude, the question is one the importance of which cannot be over-estimated, and the issue, Sir, is one that cannot be shirked. Now, these are British Provinces. The design was that these should be Anglo-Saxon commonwealths, and the tendency to foster an intense spirit of French nationality, a tendency made more pronounced by the fact that that nationality has a national church which naturally fosters that feeling in the promotion of its own interests, is a tendency that we must all deprecate, is a tendency that we do not wish to see aggravated, is a tendency that those who have the good of their country at heart would rather see mitigated if not removed.

Mr. AMYOT. Oh! oh!

Mr. CHARLTON. My hon. friend on my left laughs. Well, perhaps he would not wish to see it removed, perhaps he would rather see the difficulties intensified. I would rather see them removed; I would rather see these two races live in harmony, I would rather see them drawing closer together. I have every respect for the institutions of Quebec; I realise that the character of its institutions, the nature of its laws, and the cast of its society is, in some respects, mediæval rather than modern, but I have every sympathy for Quebec, and I have no desire to interfere with that Province in the least.

Mr. CURRAN. You do it all the same.

Mr. CHARLTON. Sir, I do not propose to do it all the same. I feel that if we desire to promote harmony between these races, the introduction of a society that sedulously fosters the seeds of discord, the history of which in every state of Christendom has shown that it is in its nature an organisation against constituted authority is a great misfortune—Sir, as a lover of this country, as a man desiring to see harmony in this country, I deprecate the introduction of that society into the political circles of Canada. It is for that reason that I, and thousands in this Dominion, deprecate the introduction of that society, deprecate the action of the Government in permitting the incorporation of that society and in permitting its endowment, foreseeing, as they believe they do foresee, in those actions future mischief and future disaster to this country. This is my belief.

Now, Sir, it is true that the Protestants of this country have been supine and nerveless for many years past as regards public questions. They have been for many years

past without organisation to guard their own interests and liberties, and until quite recently there has been no distinctive and pronounced Protestant organ. Both the great political parties in this country have sought to obtain French Catholic support. The solidarity of the Catholic French party has enabled them to hold the balance of power; they have held it, they have exercised it for the advantage of their race and for the advantage of their religion, to some extent at least; and in the manipulation of this element, and in the influence wielded by this element, it reminds me at every turn of the history of the United States when the slave power—I make the comparison in no other sense except that they were a minority, and acted for their common interest—controlled the United States for 40 years, although they possessed only about one-third of the votes in the House of Representatives, controlled the United States because they acted in their own interests at every turn, and supported first one party and then the other as circumstances incident to their own requirement made it necessary to do. We have had the Protestants, as I have said, without an organ, without an organisation, and not awake to their interests, and it is only of recent days that the people are awakening to the danger which, in the estimation of many Protestants, threaten them in this country.

I make no apology for being an Anglo-Saxon. I do not consider it a disgrace, I do not consider it even a disadvantage. I look back to the history of the race with pride, I look back to the history of that mother of nations —England—and I think it is a glorious history. I think her institutions are good institutions and that she has been a blessing to the world, and I have no apology to make for saying that I believe it. I make no apology for saying that, so far as my own Province is concerned, I would resist the introduction of that system which is peculiar to your Province, Mr. Speaker. I make no apology for saying that, in my belief, civil and religious liberty should be carefully guarded, and any encroachment upon that civil and religious liberty should be resisted, resisted strongly, resisted vigorously, resisted with courage and resisted without compromise. As regards Quebec, of course there are certain things there that I would not select as a matter of choice. I do not, for instance, think it a very great advantage to pay tithes; I am unable to see any advantage in fabrique assessments, in a church absorbing the wealth of the country and in its property being exempted from taxation; but it is none of my business. I do not propose to interfere with it.

An hon. MEMBER. Hear, hear.

Mr. CHARLTON. If the hon. gentleman can see any blessing in that, he is at liberty to enjoy it. But I would interfere and resist any attempt to impose it upon a country where it was not in existence at the time; I would feel that to be my duty. Now, Mr. Speaker, I do not say this in any offensive sense. Men disagree, men have different opinions, men differ in politics, and in religion, and in what they believe to be for the public interest, and they have a right to do so, and they will continue to do so until the end of time.

The Minister of Justice, last night, in referring to old English law, dwelt at very great length on the subject of obsolete laws. I almost imagined before he had concluded that there was scarcely a law in existence that was not obsolete, and that we were scarcely bound by anything on the Statute-book of England. But I think the Great Charter is not obsolete, that charter upon which we have built our liberties, upon which we have constructed British institutions, that charter under which we have responsible government and parliamentary representation, with the people, through their representatives, controlling the expenditure of the country. The Bill of Rights is not obsolete; it is in force yet. The supremacy of the Crown, as the embodiment of the power and majesty of the people, is not obsolete. The safeguards of liberty designed by our forefathers to preserve us from encroachments are not obsolete, and the spirit of liberty is not obsolete among the English-speaking race. And it is for this reason, that the spirit of liberty exists, that the safeguards of liberty are in force, that tens of thousands of men have risen in Canada within the last two months to oppose the endowment of that order, whose interests and character we are discussing in this debate, and whose character and record I hold it proper and necessary to discuss and examine in the broadest sense possible. I hold that the incorporation of this order lies at the root of all this trouble. And it is owing to the fact to which I called attention a few moments ago, that there existed among the Protestants a great degree of supineness, and nervelessness, and of blindness to their own interests and the interests of their country, that the incorporation of that order was not resented at the time and was not prevented. Why, a few years ago, in 1873, the Orange Order was incorporated by the Legislature of Ontario. The Lieutenant Governor of that Province, who was appointed by the right hon. gentleman opposite,

withheld that Bill from assent; I am unable to say whether by private advices he was instructed to do so or not, but he withheld it. But we had here the incorporation of the Order of Jesuits two years ago without any withholding of the Bill from assent, without any interference on the part of the Government, and it seems to me a monstrous thing that so loyal an order as the Orange Order, for it is unquestionably loyal, should be denied incorporation and the Jesuits should be permitted incorporation. It reminds me of a story, to the effect that an Irishman, on landing in New York, was attacked by a dog, and endeavored to pick up one of the paving stones, whereupon, on failing to do so, he said: It is a queer free country this, where the dogs are let loose and the stones are chained down. This is a queer sort of justice that incorporates the Jesuit Order and denies incorporation to the Orangemen; and I think, while I opposed at the time the incorporation of the Orangemen, on the ground that it would produce dissensions and troubles, the same reasons should have held good in the case of the Jesuit Order as well. The Minister of Justice, last night, held that the Jesuit Order had, in effect, already been incorporated. He instanced the case of the incorporation of the St. Mary's College, which had Jesuit professors, and he contended that because the clergy, forsooth, were Jesuits, this was incorporation, in point of fact, of the Jesuit Order. If a college happened to have three or four infidel professors, would it be the incorporation of the infidel order, or if the college had a few Presbyterian professors, would it be the incorporation of the Presbyterian order? The assumption was preposterous. The Minister of Justice also said that the order had previously been incorporated. If the society was incorporated in a surreptitious manner it affords me reason for saying that it should not have been done, whether it was done or not.

Now, Mr. Speaker, the character of the Jesuit Order is a matter, in my opinion, which should receive the attention of this House, and the attention of this country. My hon. friend, the Minister of Justice, last night spoke somewhat sneeringly of Parliament resolving itself into a committee for the examination of theological questions, and my hon. friend, the member for Bothwell (Mr. Mills), asserted that Parliament had not the right to constitute itself an ecclesiastical council, to judge the Jesuits. Well, Sir, Parliament, in this matter, is neither constituting itself into a committee for the trial of a theological question, nor into an ecclesiastical council for the trial of the Jesuit Order, but Parliament is

called upon, under the circumstances, to examine into the moral and the political tendencies of the order that is on trial before the people of this country. It has the right to do so, it has more than the right to do it; it is the bounden duty of Parliament to enquire as to the character of this organisation, to enquire as to whether those various charges made against this organisation in history for more than 300 years are true, or if any of these charges are true, whether it has proved to be an organisation detrimental to the interests of liberty, in every generation and in every age, or not, and if its antecedents are such as they are represented to be, it should be the duty of Parliament to examine thoroughly the question of whether that order is now what it was before. It is a question of the utmost importance · it is not a theological question; it is not an ecclesiastical question, but it is a question of the highest moment to the State. It is a question which should engage the attention of every statesman in the country; it is a question that has an intimate bearing upon the welfare of this country, and I propose, Sir, to examine that question. I propose to examine it, not that I think I am making myself a member of a committee to examine into theological tenets, not that I propose to make myself a member of an ecclesiastical committee to try a religious order, but I propose to look into the antecedents and character of this order, in order to see whether I believe that their establishment in Canada would be detrimental to the political interests of this country. I propose to examine the question in its political bearing, and in its political bearing alone. Now, Sir, this order had been in existence for nearly 250 years, when it was suppressed by the authority to which it professed to owe allegiance. I suppose the Pope was infallible then, and if Pope Clement XIV was infallible, and if he suppressed the order of the Jesuits he probably had good reasons for doing so, and I think he had. I do not propose to call into question his infallibility. I do not propose to look into the question of the propriety of the step he took in dissolving that order, but I do propose to ask the attention of this House to some portions of the celebrated brief which Pope Clement XIV issued, and by which this order was disbanded. After declaring in his brief the purposes for which the order was instituted, and the various privileges granted by Paul III, and subsequent Popes, the brief of suppression goes on to say:

"Notwithstanding so many and so great favors, it appears from the Apostolical Constitutions that almost at the very moment of its institu-

tion there arose in the bosom of this society, divers seeds of discord and dissention, not only among the companions themselves, but with other irregular orders, the secular clergy, the academies, the universities, the public schools, and lastly, even with the princes of the states in which the society was received. These dissensions and disputes arose sometimes concerning the nature of their views, the time of admission to them, the power of expulsion, the right of admission to holy orders without a title, and without having taken the solemn vows, contrary to the tenor of the decrees of the Council of Trent, and of Pius V, our predecessor; sometimes concerning the absolute authority assumed by the General of the said order, and about matters relating to the good government and discipline of the order; sometimes concerning different points of doctrine, concerning their schools, or concerning such of their exemption privileges, as the ordinaries and other ecclesiastical or civil officers declared to be contrary to their rights and jurisdictions. In short, accusations of the gravest nature, and very detrimental to the peace and tranquility of a Christian commonwealth have been continually brought against the said order. Hence arose that infinity of appeals and protests against this society, which so many sovereigns have laid at the foot of the Throne of our predecessors, Paul IV, Pius V, and Sixtus V. * * *

"After so many storms, troubles and divisions, every good man looked forward with impatience to the happy day which was to restore peace and tranquility. But under the reign of this same Clement XIII, the times became more full of difficulty and storm; complaints and quarrels were multiplied on every side; in some places dangerous seditions arose, tumults, discords, scandals, which, weakening or entirely breaking the bounds of Christian charity, excited the faithful to all the rage of party hatred and enmities. Desolation and danger grew to such a height, that the very sovereigns, whose piety and liberality towards the society were so well known as to be looked upon as hereditary in their families—we mean our dearly beloved sons in Christ, the Kings of France, Spain, Portugal and Sicily—found themselves reduced to the necessity of expelling, and driving from their states, kingdoms, and provinces, these very companions of Jesus; persuaded that there remained no other remedy to so great evils; and, that this step was necessary, in order to prevent Christians from rising one against another, and from massacreing each other in the very bosom of our common mother, the Holy Church. They said, our dear sons in Jesus Christ having since considered, that even this remedy was not sufficient for reconciling the whole Christian world, unless that society was absolutely abolished and suppressed, made known their demands and wishes in this matter to our said predecessor, Clement XIII. They united their common prayers and authority, to obtain that this last method might be put in practice, as the only one capable of assuring the constant repose of their subjects, and the good of the Catholic Church in general. But the unexpected death of the aforesaid Pontiff, rendered this project abortive.

"As soon as by the Divine mercy and Providence we were raised to the chair of St. Peter, the same prayers, demands, and wishes were laid before us, and strengthened by the pressing solicitations of many bishops, and other persons of distinguished rank, learning, and piety. But, that we might choose the wisest course in a matter of so much moment we determined not to be so precipitate, but to take due time; not only to examine attentively, weigh carefully, and take counsel wisely, but also by unceasing prayers to ask of the Farther of lights His particular assistance; exhorting the faithful to co-operate with us by their prayers and good works in obtaining this needful succor."

After remarking on what the Council of Trent had decided, with respect to the clergy who were members of this society, the brief proceeds:

"Actuated by so many and important considerations, and, as we hope, aided by the presence and inspiration of the Holy Spirit; compelled also by the necessity of our office, which strictly obliges us to conciliate, maintain and confirm the peace and tranquility of the Christian Commonwealth, and remove every obstacle which may tend to trouble it; having further considered that the said Society of Jesus can no longer produce these abundant fruits and those great advantages, with a view to which it was instituted, approved by so many of our predecessors, and endowed with so many and extensive privileges: that, on the contrary, it was difficult, or to say impossible, that the church could recover a firm and lasting peace so long as the said society subsisted; in consequence hereof, and determined by the particular reasons we have alleged, and forced by other motives which prudence and the good government of the church have dictated it, the knowledge of which we keep to ourselves, conforming ourselves to the example of our predecessors, and particularly to that of Gregory X, in the General Council of Lyons; the rather as in the present case we are determining upon the fate of a society classed among the mendicant orders, both its constitution and privileges; after a mature deliberation, we do, out of our certain knowledge and the fulness of our apostolical power, suppress and abolish the said society; we deprive it of all power of action whatever, of its houses, schools, colleges, hospitals, lands, and in short, every other place whatever, in whatever kingdom or Province they may be situated; we abrogate and annul its statutes, rules, customs, decrees and constitutions, even though confirmed by oath and approved by the Holy See, or otherwise; in like manner we annul all and every its privileges, favors general or particular, the tenor whereof is, and is taken to be as fully and as amply expressed in this present brief, as if the same were inserted, word for word, in whatever clauses, form or decree, or under whatever sanction, their privileges may have been conceived. We declare every authority of all kinds, the General, the Provincials, and Visitors and other superiors of the said society, to be forever annulled and extinguished, of what nature soever the said authority may be, whether relating to things spiritual or temporal."

This, Sir, is a portion of the brief of Pope Clement XIV suppressing this order. Now, Sir, I want to enquire whether it will be asserted that His Holiness the Pope of Rome, in thus suppressing this order, and in using the language he did with regard to it, was acting in ignorance—whether in his infallibility he was mistaken as to the character of this order.

Some hon. MEMBERS. Oh.

Mr. CHARLTON. Well, I am not very well posted as to the tenets of the church, if the Pope is not held to be infallible there is a popular misapprehension upon that point. If any one in this House wishes to cast discredit on his judgment or on the motives which actuated him in issuing this brief, I have nothing to say; but I believe the Pope, in suppressing this order, acted from reason and knowledge in saying what he did in this brief, and that, in issuing it, he acted in accordance with the desire of every king and every statesman in Europe. This order has been arraigned at the bar of history, and has been condemned; I believe it deserved suppression; and I be-

lieve that Pope Clement XIV, acting at the solicitation of the various kings of Europe, suppressed it for good and sufficient reasons. Now, my hon. friend from Lincoln (Mr. Rykert), the other night, read an extract from Macaulay regarding this order, and, as in the case of a good many other extracts, stopped just where he should have gone on. I will take up the thread of the hon. gentleman's discourse, and proceed from where he left off. At that point Lord Macaulay proceeded to say:

"But with the admirable energy, disinterestedness, and self devotion, which were characteristic of the society, great vices were mingled. It was alleged, and not without foundation, that the ardent public spirit, which made the Jesuit regardless of his ease, of his liberty and of his life, made him also regardless of truth and of mercy; that no means which could promote the interest of his religion seemed to him unlawful, and that by the interest of his religion he too often meant the interest of his society. It was alleged that, in the most atrocious plots recorded in history, his agency could be distinctly traced; that, constant only in attachment to the fraternity to which he belonged, he was in some countries the most dangerous enemy of freedom, and in others the most dangerous enemy of order. The mighty victories which he boasted that he had achieved in the cause of the church were, in the judgment of many illustrious members of that church, rather apparent than real. He had indeed labored with a wonderful show of success to reduce the world under her laws; but he had done so by relaxing her laws to suit the temper of the world. Instead of toiling to elevate human nature to the noble standard fixed by Divine precept and example, he had lowered the standard till it was beneath the average level of human nature. He gloried in multitude of converts who had been baptised in the remote regions of the East; but it was reported that from some of those converts, the facts on which the whole theology of the Gospel depends had been cunningly concealed, and that others were permitted to avoid persecution by bowing down before the images of false gods, while internally repeating paters and aves. Nor was it only in heathen countries that such arts were said to be practiced. It was not strange that people of all ranks, and especially of the highest ranks, crowded to the confessionals in the Jesuit temples; for from these confessionals none went discontented away. There the priest was all things to all men. He showed just so much rigor as might not drive those who knelt at his spiritual tribunal to the Dominican or the Franciscan Church. If he had to deal with a mind truly devout, he spoke in the saintly tones of the primitive Fathers; but with that very large part of mankind who have religion enough to make them uneasy when they do wrong, and not religion enough to keep them from doing wrong, he followed a very different system. Since he could not reclaim them from guilt, it was his business to save them from remorse. He had at his command an immense dispensary of anodynes for wounded consciences In the books of casuistry which had been written by his brethren, and printed with the approbation of his superiors, were to be found doctrines consolatory to transgressors of every class. There the bankrupt was taught how he might, without sin, secrete his goods from his creditors. The servant was taught how he might, without sin, run off with his master's plate The pander was assured that a Christian man might innocently earn his living by carrying letters and messages between married women and their gallants. The high-spirited and punctilious gentlemen of France were gratified by a decision in favor of duelling. The Italians, accustomed to darker and baser modes of vengeance, were glad to learn that they might, without

any crime, shoot at their enemies from behind hedges. To deceit was given a license sufficient to destroy the whole value of human contracts and of human testimony. In truth, if society continued to hold together, if life and property enjoyed any security, it was because common sense and common humanity restrained men from doing what the Society of Jesus assured them that they might with a safe conscience do, so strangely were good and evil intermixed in the character of these celebrated brethren; and the intermixture was the secret of their gigantic power. That power could never have belonged to mere hypocrites. It could never have belonged to rigid moralists. It was to be attained only by men sincerely enthusiastic in the pursuit of a great end, and, at the same time, unscrupulous as to the choice of means."

Now, Sir, I spoke of this order having been banished from various countries. It was banished from England in 1579, again in 1581, again in 1586, again in 1601, again in 1604, and again in 1791; and, Sir, in view of the character of British legislation with regard to the Society of Jesuits, its existence and its presence in any part of the British realm is a contempt of law. By the Catholic Emancipation Act, 10 George IV, chapter 7, certain political disabilities were removed from the Catholics of Great Britain. The Act recites the oath which Catholics were required to take before being invested with the rights of citizenship and the right to hold office; and this Act of 1829, which is not an obsolete law, but a law still in force, which is a law paramount over all colonial laws, contains an enactment with regard to the Jesuits; and I shall take the liberty of reading sections 28, 29, 30, 31, 33 and 34. I shall read them because they have an important bearing upon the case under discussion, because these articles, of this Emancipation Act, clearly prove that the incorporation of the Society of Jesuits is an unconstitutional Act in this country or in any other part of the British realm:

"Section 28. And whereas Jesuits and members of other religious orders, communities or societies of the Church of Rome bound by monastic or religious vows, are resident within the United Kingdom, and it is expedient to make provision for the gradual suppression and final prohibition of the same, therein, therefore be it enacted that every Jesuit and every member of any other religious order, community, or society of the Church of Rome, bound by monastic or religious vows, who, at the time of the commencement of this Act shall be within the United Kingdom shall, within six calendar months after the commencement of this Act, deliver to the clerk of peace of the county or place where such person shall reside or to his deputy, a notice or statement in the form and containing the particulars required to be set forth in the schedule to this Act annexed; which notice or statement such clerk of the peace, or his deputy, shall preserve and register amongst the records of such county or place without any fee, and shall forthwith transmit a copy of such notice or statement to the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland, if such person shall reside in Ireland, or if, in Great Britain, to one of His Majesty's Principal Secretaries of State, and in case any person shall offend in the premises, he shall forfeit and pay to His Majesty, for every calendar month during which he shall remain in the United

Kingdom, without having delivered such notice or statement as is hereinbefore required, the sum of fifty pounds.

"Section 29. And be it further enacted, that if any Jesuit, or member of any such religious order, community or society as aforesaid, shall, after the commencement of this Act, come into this realm, he shall be deemed and taken to be guilty of a misdemeanor and being thereof lawfully convicted shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

"Section 30. Provided always, and be it further enacted, that in case any natural born subject of this realm, being at the time of the commencement of this Act a Jesuit, or other member of any such religious order, community or society as aforesaid, shall, at the time of the commencement of this Act be out of the realm, it shall be lawful for such person to return or come into this realm; and upon his return or coming into the realm, he is hereby required, within the space of six calendar months, to deliver such notice or statement to the clerk of the peace of the county or place where he shall reside, or his deputy, for the purpose of being so registered and transmitted, as hereinbefore directed; and in case any such person shall neglect or refuse so to do, he shall for such offence forfeit and pay to His Majesty for every calendar month during which he shall remain in the United Kingdom without having delivered such notice or statement, the sum of fifty pounds.

"Section 31. Provided also, and be it further enacted, that notwithstanding anything hereinbefore contained, it shall be lawful for any one of His Majesty's Principal Secretaries of State, being a Protestant, by a license in writing, signed by him, to grant permission to any Jesuit or member of any such religious order, community, or society as aforesaid, to come into the United Kingdom, and to remain therein for such period as the said Secretary of State shall think proper, not exceeding in any case, the space of six calendar months, and it shall also be lawful for any one of His Majesty's Principal Secretaries of State to revoke any license granted before the expiration of the time mentionad therein, if he shall so think fit; and if any such person to whom such license shall have been granted shall not depart from the United Kingdom within twenty days after the expiration of the time mentioned in such license, or if such license shall have been revoked, then within twenty days after notice of such revocation shall have been given to him, every person so offending shall be deemed guilty of a misdemeanor, and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

"Section 33. And be it further enacted that, in case any Jesuit, or member of any such religious order, community or society, as aforesaid, shall, after the commencement of this Act, within any part of the United Kingdom, admit any person to become a regular ecclesiastic, or brother, or member of any such religious order, community, or society, or be aiding or consenting thereto, or shall administer, or cause to be administered, or be aiding or assisting in the administering or taking any oath, vow, or engagement, purporting, or intended to bind the person taking the same to the rules, ordinances, or ceremonies of such religious order, community, or society, every person offending in the premises, in England, or Ireland, shall be deemed guilty of a misdemeanor, and in Scotland shall be punished by fine and imprisonment.

"Section 34. And be it further enacted that, in case any person shall, after the commencement of this Act, within any part of this United Kingdom, be admitted, or become a Jesuit, or brother, or member of any other such religious order, community, or society, as aforesaid, such person shall be deemed and taken to be guilty of a misdemeanor, and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life."

Now, that is the statute which imposes penalties and a fine upon any foreigner who is a Jesuit for coming into the

United Kingdom, and which imposes penalties and a fine upon any person who inducts a person into the order, and upon any person who becomes a member of the order. That is taken from the Catholic Emancipation Act of 1829. Now, I am unable to see, in the face of the provisions of that Act, how the incorporation of this order can be legal or constitutional either in Canada or in any other part of Her Majesty's realm. This case was referred to some years ago, in a debate in the House of Commons. Mr. Disraeli who was then the First Minister of the Crown, stated, on the 10th of July, 1875, that:

"Although no proceedings had been taken against the Jesuits under the Act of 1829, he begged it to be understood that the provisions under the Act are not obsolete, but on the contrary are reserving powers of the law of which the government will be prepared to avail themselves if necessary."

And Mr. Gladstone, who was asked his opinion upon this matter, as to the legality of the residence of the Jesuits in England, referred his correspondents to this Act of Parliament, the provisions of which with regard to the Jesuits I have read. And the *Law Journal* of England, which contains an account of this matter, then adds:

"This Act, while it carried out the well known reform commemorated by its name, imposes restrictions on 'Jesuits and members of other religious orders, communities or societies of the Church of Rome bound by monastic or religious vows,' of which it recites it is 'expedient to provide for the gradual suppression and final prohibition.' Any of these persons, not including nuns, coming into the realm without a license which can last only six months, are, by section 29, declared guilty of a misdemeanor and may be sentenced to be banished for life. Similarly, any persons admitted within the kingdom to membership in any of the orders in question may, by section 34, be sentenced to banishment for life. If, although banished they do not go out of the country, the Sovereign in Council may have them conveyed to some place abroad. Moreover, if they are found in the country at the end of three months they may be convicted again and transported. Penal servitude is now substituted for transportation. Will this law be now enforced? Or will a charitable reserve be shown, entailing, as it naturally will do, further lawlessness."

Now, the treaty ceding Canada in 1763, provided for the freedom of the Catholic religion in this country, so far as the laws of Great Britain permitted the exercise of that religion, and the Act 14 George III, chapter 83, provided that the French Catholics in this country may exercise the religion of the Church of Rome subject to the King's supremacy. The right to exercise this provision is thus subject to the provisions of the law, and one of the provisions of that law I have called the attention of the House to with regard to the Jesuit organisation, contained in the Emancipation Act of 1829. It was claimed last night

by the Minister of Justice that, at the time of the Conquest, the property of individuals was not forfeited or confiscated. It was claimed that the property of the Jesuits was not subject to forfeiture or confiscation under the terms of the Treaty of Paris ceding Canada to Great Britain. But I think it must be held that the Jesuit organisation would not be treated upon the basis of individuals, but as a corporation, and I find that the Act says :

"And be it further enacted by the authority aforesaid, that all His Majesty's Canadian subjects within the Province of Quebec, the religious orders and communities only excepted——"

Are to have these privileges. So that the religious orders and communities were, by the terms of the cession, expressly excepted from the privileges granted to the inhabitants of the Province of Quebec, or the Province of Canada.

Mr. MILLS (Bothwell). What are you reading from?

Mr. CHARLTON. I am reading from 14 George III, chapter 83, the Quebec Act. All the rights possessed by the citizens of the Province of Quebec, or of old Canada, were rights delegated by the British Crown, rights expresely granted, rights clearly defined, and rights, in every case, subordinate to the supremacy of the Crown, and subordinate to the supremacy of Imperial law; and, if that Catholic Emancipation Act of 1829 contains, as I have shown, express provisions, making it a misdemeanor for a foreign Jesuit to come into England, making it a misdemeanor to induce a British subject into the Jesuit Order, making it a misdemeanor on the part of the person who inducts him and on the part of the person who is inducted, in face of the provisions of that law, I hold that it is simply preposterous to say that the incorporation of the Order of Jesuits in British America, is a constitutional Act. If the incorporation of this order is unconstitutional, it follows, as a matter of course, that all the Acts based upon that incorporation, are unconstitutional. If the incorporation is unconstitutional, the endowment is unconstitutional, and the Jesuits' Estates Act is an unconstitutional Act, if the Incorporation Act is so.

It has been made by British law, upon more occasions than one, an unconstitutional Act to procure judgments or determinations, &c., from the See of Rome, or any foreign potentate. This legislation was first initiated under Edward III, it was continued under Richard II, again under Henry VIII. By 24 Henry VIII, chapter 21, penalties are imposed for procuring inhibitions, judgments and other processes from the See of Rome within the

King's dominions—not alone in England, Ireland and Scotland, but in any part of the King's dominions. The 24 Henry VIII, chapter 21, prohibits the King, his heirs and successors, kings of the realm, and all subjects of the realm or of the dominions of the Crown, for suing for licenses, dispensations, compositions, faculties, grants, rescripts, delegations, or any other instruments in writing from the Bishop of Rome, called the Pope, or from any person or persons having or pretending to have any authority by the same. "The King, his heirs and successors," being expressly named in the Act, the reigning sovereign is bound by the prohibition; and it is not within the constitutional power of a Colonial Legislature or Governor to absolve the Crown from its provisions, or to enact or assent to any Bill violating this or any other Imperial statute in force in the colony. The Crown can only be relieved from the prohibitions of the Act by the power that imposed them, namely, the Imperial Parliament. And in 13 Elizabeth, chapter 2, and 1 Elizabeth, chapter 1, it is provided in more express terms that:

"The usurped power and jurisdiction of the Bishop of Rome, heretofore unlawfully claimed and usurped within this realm, and other the dominions to the Queen's Majesty belonging,"

Shall not be exercised. Neither the Treaty of Surrender, nor the Act of 1774 did more than to grant the free exercise of the Catholic religion in Canada, so far as the laws of Great Britain permit. But we are told by the Minister of Justice that a Provincial Parliament can repeal Imperial statutes as concerns itself, if I understood him aright. I do not accept this definition of the law. I do not hold that the thing formed can say to that which formed it: what doest thou? and can set aside the mandate of the power which formed it. I find in the British North America Act a provision which is antagonistic to the statement of my hon. friend the Minister of Justice. The 129th section of that Act contains the following:—

"Except as otherwise provided by this Act, all laws in force in Canada, Nova Scotia or New Brunswick at the Union, and all courts of civil and criminal jurisdiction, and all legal commissions, powers and authorities, and all officers judicial, administrative and ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia and New Brunswick respectively, as if the Union had not been made; subject, nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland) to be repealed, abolished or altered by the Parliament of Canada; or by the Legislature of the respective Provinces, according to the authority of the Parliament or of that Legislature under this Act."

So that, by this Constitution of British North America, by section 129, special exception is made as to this power in

regard to such Acts as existed by the authority of the Parliament of Great Britain or the Parliament of Great Britain and Ireland. I have here a case, if it is necessary to quote it, *ex parte* Renaud, which bears out this view. The judgment is too long to read unless it is desired, but I can send it to the Minister of Justice if he desires. I have laid down the premises, and I think they cannot be controverted, that the recognition of any foreign potentate, prince or ecclesiastical, in any statute enacted within the dominions of the Crown of Great Britain, which recognises that power or its inhibitions, decress or processes, is an unconstitutional act. Now, the Estates Bill which we have under consideration does recognise His Holiness the Pope as a potentate. It treats with that potentate as to the terms of the settlement of a domestic matter in a Province of this Dominion. The Bill is passed subject to the approval of that potentate, as is shown by the language in this return of correspondence in connection with this matter. I find in the letter of Mr. Mercier to Father Turgeon, dated the 1st May, 1888, in the seventh paragraph, the following language used :—

"That any agreement made between you and the Government of the Province will be binding only in so far as it shall be ratified by the Pope and the Legislature of this Province."

"By the Pope and Legislature of this Province". Sir, the Legislature not only passes a Bill subject to the Pope's approval, but this Act places public money at the disposal of His Holiness the Pope, as is shown in the same letter, in paragraph 8, which reads as follows :—

"That the amount of the compensation fixed shall remain in possession of the Government of the Province as a special deposit until the Pope has ratified said settlement, and made known his wishes respecting the distribution of such amount in this country."

Now, Sir, the hon. member for Stanstead (Mr. Colby) told us the other night that this provision was a very bitter pill for the Protestants of Quebec. I do not wonder that is the case. A pill that treats with His Holiness as to the terms of a domestic matter, that passes a Bill subject to the approval of His Holiness, that places public money at the disposal of His Holiness, must have been a bitter pill, as the hon. gentleman expressed it, for the Protestants of Quebec to swallow. But not only is the Bill open to these objections, but it distinctly submits the legislation of the Province of Quebec to the ratification of the Pope, as is shown by this return on page 13 :

"It is also one way of commemorating, in the political history of the country, that glorious concordat, the effecting whereof would be associated with the name of your Government, as soon as the Holy Father has ratified it; that is, that the establishments of the Jesuit

Fathers in this Province are always allowed, in accordance with their deserts, and if they ask for it, to participate in the grants which the Government of this Province allows to other institutions to encourage teaching, education, industries, arts and colonisation."

Now, Mr. Speaker, any law which is open to these objections, any law which calls in a foreign potentate to dictate with reference of the settlement of a domestic matter, which places moneys at his disposal, which submits legislation to his ratification, leaving him to accept or reject it—any Bill, I say, subject to these conditions, liable to these objections, is a Bill which, under the law I have quoted bearing upon the question of the Queen's supremacy in the British realms, is clearly unconstitutional and clearly contrary to the spirit and to the letter of the English law. The Minister of Justice told us last night that the only objections to this Bill were contained in the preamble. He did not deny that there were some objectionable features in the preamble of this Bill, but the preamble, he said, was not really a portion of the Bill, and consequently the Bill was not subject to that objection. But I find, Sir, that the Bill itself refers to this preamble, and if the hon. gentleman will turn to sections 1 and 2 of that Bill, he will find that those sections read as follows:—

"1. The aforesaid arrangements entered into between the Premier and the Reverend Father Turgeon are hereby ratified, and the Lieutenant Governor in Council is authorised to carry them out according to their forms and tenor."

Section 2 says:

"2. The Lieutenant Governor in Council is authorised to pay out of any public moneys at his disposal, the sum of $400,000 in the manner and under the conditions mentioned in the documents above cited, and to make any deeds that he may deem necessary for the full and entire execution of such agreement."

So the objectionable features contained in the preamble are embodied in the Bill, specially referred to in the Bill, confirmed in the Bill, and form in point of fact a portion of the Bill itself. Now, Mr. Speaker, it is asserted by Mr. Mercier, it is admitted, I believe, by my hon. friend the Minister of Justice, it is not disputed, so far as I am aware, by anyone, that the Jesuits had no legal right to these estates. My hon. friend the member for Bothwell sought to break the force of the arguments with reference to the want of any legal claim on the part of the Jesuit Society, sought to break the force of the payment of money to the order of the Pope, by referring to the Clergy Reserve case, by speaking of the commutation of the Clergy Reserves having been paid by the Government of Canada to certain ecclesiastical bodies. Well, Sir, the cases are not parallel. No claim was set up in that instance that

these ecclesiastical bodies had not a legal claim. On the contrary that claim was admitted, there was a commutation of this claim, and the money was paid to them under that commutation. But that is not a parallel claim to this present case, where there was no legal claim, where no legal demand could possibly be made on the part of the Jesuit organisation for the payment of money. Now, I have referred before to the fact of these estates being the property of the Crown. I have referred to the Act of 1774, which specially exempted the ecclesiastical corporations from participation in the rights and annuities that pertained to individuals, and the property of the corporations was undoubtedly the property of the Crown. Foreign corporations could not hold property in Canada; they could not hold property then, they could not hold property in Canada till a very recent period. The fact that this was a religious order that had been endowed with its lands by the King of France, places this corporation in such a position that its rights were forfeited when the conquest took place, and the forfeiture was completed when the order was expelled. We have an instance recorded, a case brought to trial within recent years, where it was decided that a foreign corporation could not hold property in the Province of Quebec except by virtue of special legislative action, the case of the Chaudière Gold Mining Co. *vs.* George Desbarats which was before the Privy Council in 1873. It was held:

"That, by the law of the Province of Quebec, corporations are under a disability to acquire lands without the permission of the Crown or the authority of the Legislature, that a foreign corporation could not purchase lands in said Province without such permission or authority, and had no action for damages against the vendor."

There can be no question about the loss of title by the Jesuit Order. In 1841, when this property was dealt with, it was the property of the Crown, and there can be no doubt that between 1841 and 1867, when the Provinces entered into Confederation, this particular property was appropriated to the schools of the Province of Quebec, and there can be no doubt that this property having been appropriated to the school funds of the Province, it was unconstitutional to divert it to other sources and use it for other purposes.

Now, there is another objection to this settlement which leads me to believe that it cannot be a final settlement. Other demands may be made. Subsequent events may show that the lands were sold for more than was anticipated. The Jesuits may fall back on the estimation of the value made at one time which was about $400,000, and may claim more if the property sells for more. The correspondence, if carefully scrutinised, will lead one to the

conclusion that we are not by any means in a position where we can be sure that this case is finally closed. There is one piece of property which is considered as part of the Jesuits' estates, the Champ de Mars, which is Dominion property. There is Laprairie Common, which has been passed over to the Jesuits but held to be Dominion property. It has been occupied by the Dominion Government as a parade ground for many years, and they have the right of possession at least. I assert my belief that the common of Laprairie is Dominion property, which has been granted to the Order of the Jesuits by the Province of Quebec. The correspondence with regard to this matter, if it is carefully scrutinised, will lead us to the opinion that it is far from being settled. I find in the letter from the Premier of Quebec to Father Turgeon, dated 1st May, the following clause:—

"That you will grant to the Government of the Province of Quebec in full, complete and perpetual concession of all the property which may have belonged in Canada, under whatever title, to the fathers of the old society, and that you will renounce to all rights generally whatsoever upon such property and the revenues therefrom in favor of our Province, the whole, as well in the name of the old Order of Jesuits, and of your present corporation as in the name of the Pope, of the Sacred College of the Propaganda and of the Roman Catholic Church in general."

To this letter the Rev. Father replied on 8th of May as follows:—

"The Government of the Province of Quebec will receive a full, complete and perpetual concession of all the property which may have belonged in Canada, by whatever title, to the fathers of the old society, and the Jesuit fathers will renounce all rights generally whatsoever upon such property and the revenues therefrom in favor of the Province, the whole, in the name of the Pope, of the Sacred College of the Propaganda and of the Roman Catholic Church in general."

What does that amount to? The Society of Jesus gives a quit claim for all its property to the Province of Quebec. Part of that property, the Champ de Mars, valued at $1,024,000 is the property of the Dominion; and we shall have in due time, perhaps, Mr. Mercier coming to Ottawa with a demand for the settlement of his claim against the Dominion Government for the value of the Champ de Mars because of this transaction, and because a quit claim was given by His Holiness the Pope in behalf of the Jesuits. If the argument of the Minister of Justice is correct, if the Jesuits have a title to this property that claim would be good; and if this Bill becomes law we are exposing ourselves to the possible contingency of having the Province of Quebec make a claim on the Dominion for the value of that portion of the Jesuits' estates known as the Champ de Mars. And then we have the other possibility of the Society of Jesus coming to

the Dominion and demanding the value of the Laprairie Common, which has been granted it by the Province of Quebec, but which is probably the actual property of the Dominion of Canada. We are leaving ourselves open to further demands with respect to this matter; and I believe for this consideration, if there were no others, it would be proper and prudent to disallow this Bill. The other objection I have to this Bill is, that I hold it to be in the highest degree dangerous and improper to make grants to religious bodies. If you once open the door, if once you permit that species of operation to be commenced in this country, there is no human wisdom that can tell where it eventually will end. Can any one believe that this grant made to the Society of the Jesuits by the Province of Quebec has no connection whatever with political exigencies? Can anyone doubt that seeking political influence has something to do with this matter, and if it has been the motive in one case, may it not be the motive in another? Are we not opening the door to great evils that will be introduced if we permit this sort of influence to be inaugurated, if we permit an arrangement made between the Premier of the Province of Quebec and the Society of Jesus, by which the Jesuits are endowed with $400,000 upon a most doubtful claim—what may be the next thing? I believe upon the ground that this Bill paves the way to further demands for religious grants that may be successfully pressed when votes and influence are badly needed by some political party that it endangers the interests of this country, and for this, if for no other reason, this Act should be disallowed.

I have now concluded with the constitutional aspect of this case. I hold that the incorporation of the Society of Jesus is unconstitutional because the existence of that society is probibited by English law. In England the Jesuits' society is an illegal body; the initiation into the Society of Jesus of a member is illegal, it is illegal on the part of the man who does it, and it is illegal for the one initiated. They are under pains and penalties, it is an unconstitutional society, it is under the ban of English law; and that being the case, it is not an order that can be constitutionally incorporated in any part of the British realm. Then I hold that the Jesuits' Estates Act, being predicated upon, that Act, is itself necessarily unconstitutional. It is unconstitutional further in the fact that it calls in a foreign potentate, recognises him, places money at his disposal, places a piece of legislation at his disposal to ratify or to set aside, and in that respect it is clear that it is in contravention of British law and British supremacy. For these reasons I hold that the measure is clearly unconstitutional,

and as such should be without delay disallowed by the Government of this Dominion.

But even if it was constitutional, even if the whole argument I have constructed so far was baseless and was swept away, and if this measure was shown to be constitutional, constitutional as regards the Bill, constitutional in being founded on a constitutional Act, permitting the incorporation of the Society of Jesus, yet I hold that, as a question of public policy, the measure should be disallowed. The position which the Liberals of this country occupy in this case is briefly this: They take high ground in defence of provincial rights; they take high ground upon the question of the Dominion Government interfering with provincial legislation. And I suppose, with their views upon this case, with their record, even though they did not approve of this Bill, even if they considered it was an improper Bill, they would not counsel and support the proposition to disallow the Bill, on the ground that it was interfering with provincial rights. But whether it is desirable that the Government should be debarred from the exercise of the prerogative of this disallowance, is an abstract question; whether it would be a good thing to reconstruct our constitution and to bar the Government from the exercise of that privilege or not, I do not venture to say, but I do say that the right exists and is clearly conferred on the Government. And further, the right has been repeatedly exercised. The hon. member for Bothwell (Mr. Mills), in the course of his argument said that the prerogative of disallowance was not essential to the maintenance of our constitution, and he said that in the United States no such prerogative of disallowance was permitted on the part of the Central Government, that the remedy there lay in an appeal to the Supreme Court of the United States. That is perfectly true. But the hon. gentleman is aware that there is a vast difference between the structure of the Dominion constitution and that of the United States. The principle of the United States Government I believe is that the State is sovereign, within its own proper sphere, and all the powers exercised by the Government of the United States are powers delegated by the States, which in their individual capacity as States ratified the original constitution, and must ratify all amendments to the same, and every power not thus specially delegated to the Central Government by the constitution is reserved to the States. What is the case in the Dominion of Canada? All powers not specially granted to the several Provinces by the British North American Act are reserved to the Dominion and any Act passed by a Provincial Legislature may be

disallowed by the Privy Council. That is the difference between the two. We had in this country a Legislative Union and we parted with that and entered into Confederation, and whether it was wise or whether it was unwise to invest the Government at Ottawa with the power of disallowance or not, this Government does exercise the power, it has exercised the power, and it has in repeated instances put that power into operation. It has done it in the case of railway legislation in Manitoba, and it has done it in the case of the Streams Bill, and numerous other cases. I am willing to admit that this power should be exercised with the utmost caution; I am willing to admit that the plainest and most palpable reasons should exist for the exercise of this power, but I am ready to assert, Sir, that there has never been a case in the history of the Dominion of Canada where, upon broad constitutional grounds, and having due regard to the general interests of the great mass of the people of this country, it was more proper to disallow a Bill, than in this particular instance; and that the settlement of the Jesuits' Estates Act was, above all other measures that have ever come under the cognisance of this Government, a measure that should be disallowed. My hon. friend the member for Bothwell (Mr. Mills) says that there are two classes of cases where disallowance is warrantable, and one is the case where the Bill is clearly unconstitutional. This is a case of that kind; this Bill is clearly unconstitutional in my opinion. He says the other case is where a Bill is not in the interest of the entire Dominion. Well, this case covers this Bill also. The Bill is clearly unconstitutional and it is clearly not in the interest of the Dominion, and so, by the hon. gentleman's own logic, this Bill should be disallowed. This power of veto is clearly a constitutional power which may be exercised by the Government, which the Government has the right to exercise, which the Government has exercised in former cases, and which, in my opinion, in view of the character of this Bill, and of the probable future consequences of allowing this Bill to become law, the Government ought, upon the highest ground of public interest, to disallow.

Now, as I said some time ago in considering this question of disallowance, in considering as to whether it is proper to do so or not, the Government were warranted in investigating the character of the Jesuits. I have a list here of the countries from which this order had been expelled before its suppression by Clement XIV. They were expelled from the following countries at the dates mentioned:—

Saragosa	1555
La Palintine	1556
Venice	1568
Avignon	1570
Portugal and Segovia	1578
England	1579
England	1581
England	1586
Japan	1587
Hungary and Transylvania	1588
Bordeaux	1589
France	1594
Holland	1596
Tournon and Berne	1597
England	1601
England	1604
Denmark	1606
Venice	1612
Japan	1613
Bohemia	1618
Moravia	1619
Naples and Netherlands	1622
China and India	1623
Malta	1634
Russia	1723
Savoy	1729
Paraguay	1733
Portugal	1759
France	1764
Spain	1767
The Two Sicilies	1767
Parma and Malta	1768
All Christendom by the Bull of Clement XIV.	——
Russia	1776
France	1804
Grisons, Swiss Canton	1804
Naples	1806
France	1810

The order was restored by Pius VII on 7th August, 1814, and since that date this self-same order has been expelled from the following countries :—

Belgium	1816
French towns	1819
Russia	1820
Colleges in Fr[illegible]	1828
France	1831
Portugal	1834
Spain	1835
France	1845
Switzerland	1847
Bavaria	1848
Naples and Papal States, Parma, Arch Duchy of Austria, Galica, Sardinia, Sicily	1848
Paraguay	1858
Italian towns	1859

Now, we are told that the character of this order has changed, forsooth; that it is not the order it was when Clement XIV suppressed it; that it is not the order it was when nearly all the potentates of Europe agreed in demanding that it should be suppressed. "Oh, no," they say, "it is not the same order." How is it, then, that the States I have mentioned have expelled this order since it was restored in 1814? and be it remembered that fifteen of these States were Catholic States or communities. I think that is a significant fact. I doubt very much, whether, in view of that fact the argument can be made successfully, that the character of this order has been changed. What was the opinion of Cardinal Taschereau with regard to this order, when it was proposed to incorporate it two years ago? What was the opinion of Mr. Gladstone in regard to this order, so late as 1876? I find in the *Contemporary Review*, of June, 1876, that Mr. Gladstone has indicted the principles of which they are the professional exponents on these counts:

"(1) Its hostility to mental freedom at large; (2) its incompatibility with the thought and movement of modern civilisation; (3) its pretensions against the State; (4) its pretensions against parental and conjugal rights; (5) its jealousy, abated in some quarters, of the free circulation and use of the Holy Scripture; (6) the *de facto* alienation

of the educated mind of the country in which it prevails; (7) its detrimental effects on the comparative strength and morality of the States in which it has sway; (8) its tendency to sap veracity in the individual mind."

Now, that is an arraignment by Mr. Gladstone of this order, the character of which we are considering to-day. In 1879 a discussion took place upon the character of this order in the French Chamber, and that discussion was referred to by my hon. friend from North Simcoe (Mr. McCarthy) last night. Now, Sir, I do not intend to detain the House with the speech of M. Ferry and M. Bert (since Minister of Education), M. du Bodan, M. Le Prevost and others, but the substance of it amounted to this: that the Minister of Education sent and had examined the character of the Jesuits' text books, and the character of their teachings in their schools and colleges, and the investigation made in regard to the character of that order was such as to satisfy the French Assembly, and the Department of Education in France, that the Jesuits were an order that ought not to be allowed to have anything whatever to do with education in that republic. Their principles were recognised to be incompatible with the independence of every government. They were proved to hold the same doctrines that they had held during the last 300 years. They taught the Divine right of Kings; they taught that the liberty of the press was a dangerous thing; they advocated religious wars; they attacked the Revolution and glorified the Revocation of the Edict of Nantes; they calumniated Necker and Burgot; they rejected the principles of national sovereignty; trial by jury was denounced, and liberty of conscience and worship was condemned. In one of these works, by Charles Barthelemy, the following passage, in the chapter dealing with Protestant people, disposes of English morality:—

"In London and all over England, the holiness of marriage is destroyed, bigamy is frequent, the wife is not the companion but the slave of her husband; the conjugal tie is dissolved; the children are poisoned or sold."

The subjects treated in Father Humbert's work, published in 1840, "Instructions chrétiennes pour les jeunes gens et les jeunes filles," were found to be so monstrous and filthy, according to Mr. Bert, that though the work was put into the hands of young girls—objectionable passages could not be read in the French Assembly with ladies in the gallery. Without detaining the House with the evidence placed before the Legislative Assembly in France, by the Minister of Education and others, suffice it to say that upon that evidence the Jesuits were expelled from the educational institutions of that republic. I think, Sir, I

am warranted in saying that we will consult the interests of this country, present and future, if we do not permit to be established in this Dominion that organisation whose whole history is a history of turmoil, of intrigue, of mischief and of attempts to pull down and destroy constitutional authority wherever they have been placed. Sir, we do not want an organisation in this country that will widen the breach that exists between the two great races in Canada; we do not want an organisation in this country, the influence exerted by which will be so detrimental to the best interests of this country present and future.

I have been requested, Mr. Speaker, before closing to read this resolution placed in my hands; a resolution adopted at a special meeting of the Protestant Ministerial Association in Montreal held this morning, it says:

"At a special meeting of the Protestant Ministerial Association of Montreal, held this morning, attention was drawn to certain statements made on the floor of the House of Commons, during the debate on the Jesuits' Estates Act, by the hon. member for Stanstead (C. C. Colby), who is reported to have stated that he represents the feelings of the Protestants of Quebec; that they have made no complaint; presented no petition and sought no redress from supposed wrongs, that, in fact, the Protestants have no grievances, but are treated with more justice, liberality and generosity than any minority in the world.

"Therefore be it resolved—

"That the Ministerial Association repudiate the hon. member's claim to represent the feelings of the Protestant community of the Province of Quebec. That it is entirely incorrect to say that no petitions have been presented against the measure in favor of the Jesuits, inasmuch as this Association presented a petition against the incorporation of the Jesuits in 1887, to the Legislature of Quebec, and petitions to the Governor General in Council for the disallowance of the Jesuits' Estates Act, have been presented from this Association, from the Rev. the Presbytery of Montreal, from the Dominion Evangelical Alliance, and by some 6,000 citizens from the city of Montreal and other parts of the Province of Quebec. The matter also engaging the earnest attention of the Evangelical Alliance at its Conference in Montreal in October last, and strong resolutions in protest were adopted.

"And so far from having no grievances, the Protestant minority has serious cause of complaint in relation to many matters, among which the following are specified: The division of taxes for educational purposes; the recent unsettling of the foundation of the Superior Education Fund; in the degradation of degrees conferred by Protestant Universities; in the matter of the marriage laws; in the law of compulsory tithing, and the erection of parishes for civil purposes, both creating motives for the removal of Protestants, and generally in the virtual establishment of one church to the disadvantage of all other churches.

"Furthermore, we declare that the Protestant community of the Province of Quebec are unwilling to be indebted to the generosity or liberality of their Roman Catholic fellow-countrymen, but demand simple justice and their equal rights as subjects of the Queen.

"It was resolved to transmit the foregoing statement to the hon. member for North Simcoe (Col. O'Brien), with the request that it be

read to the House of Commons by himself, or some other member he may select.

"J. COOPER ANTLIFF, D.D.,
"*President of the Montreal Protestant Association.*
"WM. SMYTH,
"*Secretary-Treasurer.*"

This is the communication, Sir, of the Protestant Ministerial Association of Montreal, duly signed by its officers.

Now, Mr. Speaker, I have but few words to say in conclusion. I wish, Sir, to refer to a statement made by my hon. friend the member for Bothwell (Mr. Mills), that if ministers would preach the gospel instead of preaching politics, it would be very much more in the line of their duty, and more conducive to the public interests. I have heard this charge brought against ministers before—the charge of preaching politics. I remember, Sir, in the great struggle in the United States, when the life of the nation was at stake, and when the slave power was making gigantic efforts to strangle liberty in that country, that the ministers of the country who stood up in defence of righteousness and right, were accused of preaching politics, one of the charges brought against them was that they were stepping outside of their legitimate province. When they were preaching opposition to slavery and exhorting men to patriotism, whether they were preaching politics or not, they were performing a good work. I hold that, in every emergency, when the liberties of a country are at stake, the minister is a dumb dog who does not raise his voice, warning his fellow citizens, and seeking by every influence he possesses to promote the right and combat the wrong; and if ministers in this country to-day see it to be their duty to warn the country of dangers impending, to warn it of the crisis threatened to be precipitated upon it, I say let them do so; if they do not do so, they are recreant to their trust and duty.

Sir, I conclude what I have to say to-night by asserting that I believe this Jesuits' Estates Act is an unconstitutional Act, because the society is under the ban of British law; I believe further that it is an unconstitutional Act by reason of the reference contained in the Bill to His Holiness the Pope; I believe further that it is unconstitutional by reason of the diversion of school funds in the Province of Quebec from their legitimate and proper purpose. And in addition to these three counts of unconstitutionality, I believe that upon the highest grounds of public interest and public good, upon the ground of due consideration of the public weal, present and future, in this Dominion, that this Act should have been disallowed in conformity with the power possessed by the Government of this country.

A. SENECAL, Superintendent of Printing.